

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AUSTRIAN AIRLINES OESTERREICHISCHE :
LUFTVERKEHRS AG, :

Plaintiff, :

-against- :

UT FINANCE CORPORATION, :

Defendant. :

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04 Civ. 3854 (LAK) (AJP)

OPINION & ORDER

ANDREW J. PECK, United States Magistrate Judge:

By Opinion and Order dated November 3, 2008, I granted defendant UTF's attorneys' fees motion in the amount of \$2,951,206.67 in attorneys' fees and \$314,464.45 in costs, for a total of \$3,265,671.12. See Austrian Airlines Oesterreichische Luftverkehrs AG v. UT Finance Corp., 04 Civ. 3854, 2008 WL 4833025 (S.D.N.Y. Nov. 3, 2008) (Peck, M.J.), familiarity with which is assumed. I also held that under the parties' contract, UTF was entitled to prejudgment interest at 9% on the fees and costs from the dates of payment, but because UTF had incorrectly calculated interest, I required UTF to submit new interest calculations. Id., 2008 WL 4833025 at *11. UTF has now re-calculated the interest and informed the Court that Austrian does "not dispute the [interest] calculations." (Dkt. No. 181: Toriello 11/12/08 Aff. ¶ 4.) Accordingly, the Court awards UTF prejudgment interest on its attorneys' fees (and costs) in the amount of \$491,477.53 through

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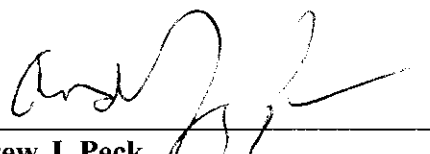
November 10, 2008, plus \$12,237 in interest on invoices paid directly by UTF. (See Toriello 11/12/08 Aff. ¶ 2 & Exs. 1-2.)

Accordingly, for the reasons set forth above and in my prior Opinion, UTF is awarded \$3,769,385.65 in attorneys' fees, costs and interest, as follows:

Attorneys' Fees	\$ 2,951,206.67
Costs	314,464.45
Prejudgment Interest (Holland & Knight Invoices)	491,477.53
Additional Prejudgment Interest accrued for invoices paid directly by UTF	12,237.00
	<u>\$ 3,769,385.65</u>

SO ORDERED.

Dated: New York, New York
November 13, 2008



Andrew J. Peck
United States Magistrate Judge

Copies **by fax & ECF** to: John M. Toriello, Esq.
Donna F. Mulvihill, Esq.
Judge Lewis A. Kaplan